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MCRGO and NJCSD

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

JEFFREY M. MULLER; DANIEL J. PISZCZATOSKI;
JOHN M. DRAKE; GREGORY C. GALLAGHER;
LENNY S. SALERNO; FINLEY FENTON;
SECOND AMENDMENT FOUNDATION, INC.; and
ASSOCIATION OF NEW JERSEY RIFLE & PISTOL
CLUBS, INC.,

No. 2: 10-CV-6110 (WHW) (CCC)

Plaintiffs,

v.

Hon. William H. Walls

THE HON. PHILIP J. MAENZA, *in his Official Capacity as Judge of the Superior Court of Morris County*; THE HON. RUDOLPH A. FILKO, *in his Official Capacity as Judge of the Superior Court of Passaic County*; THE HON. EDWARD A. JEREJIAN, *in his Official Capacity as Judge of the Superior Court of Bergen County*; THE HON. THOMAS A. MANAHAN, *in his Official Capacity as Judge of the Superior Court of Morris County*; COL. RICK FUENTES, *in his Official Capacity as Superintendent of the New Jersey State Police*, CHIEF FRANK INGEMI, *in his Official Capacity as Chief of the Hammonton, New Jersey Police Department*, CHIEF RICHARD COOK, *in his Official Capacity as Chief of the Montville, New Jersey Police Department*; and PAULA T. DOW, *in her Official Capacity as Attorney General of New Jersey*,

Defendants.

Application of Amici Curiae
Michigan Coalition for
Responsible Gun Owners
(MCRGO) and New Jersey
Coalition for Self Defense
(NJCSD) for Leave to File
an Amicus Brief in Support
of Plaintiffs

Through undersigned counsel, the Michigan Coalition for Responsible Gun Owners, and the New Jersey Coalition for Self Defense do hereby apply to the Court for leave to file a Brief as *Amici Curiae* in this case for the facts and reasons stated below. The proposed Brief is attached hereto as **Exhibit A** for the convenience of the Court and counsel.

INTEREST OF *AMICI*

Amicus New Jersey Coalition for Self Defense is the first and only New Jersey volunteer citizen's non-profit organization, founded in 2003, whose mission is to perform a public education service with respect to our Civil, Human, and Constitutional right to keep and bear arms and to provide training and education on practical principles of effective self defense for personal, family and public safety. Our objective is to effect positive change in New Jersey's current public policy of discouraging, penalizing, and criminalizing, legitimate and necessary acts and methods of self defense through legislative initiatives, grassroots activism, statewide public information campaigns, and legal action.

Amicus Michigan Coalition for Responsible Gun Owners is the largest state-based gun rights advocacy group in the United States and has been in existence for over 10 years. MCRGO is a non-partisan group whose board members include elected officials of both major parties serving as County Sheriffs, State Representatives, and State Senators. The MCRGO's mission is to support the individual citizen's right to own and carry firearms for self-defense and other lawful purposes in Michigan and elsewhere by advocating and supporting right to carry reciprocity with other states. The vast majority of jurisdictions in the United States now recognize Michigan Concealed Pistol Licenses, and efforts are underway to create similar agreements in the remaining jurisdictions.

The proposed brief provides an overview of recent and longstanding Supreme Court Second Amendment jurisprudence, the Constitutional bases requiring the recognition of a right to carry firearms in public, and addresses an open question that has resulted from this jurisprudence and plagued New Jersey's scheme for permitting exercise of the right to carry firearms in public as that scheme has been implemented by statute and practice for more than forty (40) years last past. This *amicus* brief also addresses open questions relating to New Jersey's "justifiable need" requirement for obtaining a permit to carry firearms, illuminates why such requirement is unreasonable and unconstitutional, and addresses the matter of delegating the discretion to determine "justifiable need" as a *de facto* unconstitutional exercise of discretion by law enforcement personnel, rather than by the judiciary, in consequence of which the regulations and practices developed under the statute have resulted in persistent violations of the Second Amendment's right to bear arms.

District courts have inherent power to grant third parties leave to file briefs as *amici curiae*, particularly if they "deem[] the proffered information timely and useful." *Yip v. Pagano*, 606 F. Supp. 1566, 1568, *aff'd*, 782 F.2d 1033 (3rd Cir. 1986) (internal quotations omitted). Here, *amici* bring a broad and deep perspective to the issues raised by this case and have a compelling interest in the federal court's interpretation of Second Amendment issues. *Amici* thus respectfully submit the attached brief to assist the Court with the constitutional issues in this case, including important matters of first impression in New Jersey under the Second Amendment.

Amici, therefore, respectfully request the grant of leave to submit the attached Brief to assist the Court in deciding the complex and significant issues raised in this case.

February 18, 2011

Respectfully Submitted,

s/Steven W. Dulan

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s/Paul L. Abramo

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